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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SUIZA DAIRY CORPORATION

Employer

and

Case 24-RC-090254

CENTRAL GENERAL DE TRABAJADORES
Petitioner

and

UNION INSULAR DE TRABAJADORES INDUSTRIALES Y CONSTRUCCIONES ELECTRICAS (UITICE)

Incumbent

DECISION AND ORDER

The National Labor Relations Board, by a three-member panel, has considered objections to an election held October 30, 2012¹ and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 81 for the Petitioner, 79 for the Incumbent, and 1 against representation.²

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¹ All dates are in 2012, unless otherwise noted.

² The Board Agent challenged the ballots of 11 employees because they were not on the voting list. The Regional Director recommended that the challenges to 2 of the 11 ballots be overruled and that a hearing should be held to determine the eligibility of the remaining challenged voters. There were no exceptions to these recommendations. At the hearing, the parties stipulated to not opening and counting the challenged ballots, the issuance of a revised tally, and certification of the results. Thus, the Petitioner received the majority of the ballots cast.

The Board has reviewed the record in light of the exceptions and briefs, and has adopted the Regional Director's findings and recommendations to sustain the Incumbent's Objection 6.³

ORDER

It is ordered that Incumbent Objection 6 be sustained, and that this proceeding be remanded to the Regional Director for further appropriate action.

Dated, Washington, D.C., December 16, 2013

	Mark Gaston Pearce,	Chairman
	Harry I. Johnson, III,	Member
	Nancy Schiffer,	Member
(SEAL)	NATIONAL LABOR RELATIONS BOARD	

³ In the absence of exceptions, we adopt pro forma the Regional Director's recommendation to overrule the Incumbent's Objections 1-5 and 7.

In adopting the Regional Director's recommendation to sustain the Incumbent's Objection 6, we correct her report to reflect that the Employer failed to timely provide the *Incumbent* with the *Excelsior* list. In setting aside the election, however, we rely on the Employer's failure to timely provide the *Exclesior* list, and the fact that neither union had the list for the minimum 10-day period prior to the election.